

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ANDY SHIN FONG CHEN AND AERO SPACE
PORT INTERNATIONAL GROUP, INC.

Defendants, and

NORTH AMERICAN FOREIGN TRADE ZONE
INDUSTRIES LLC, WASHINGTON ECONOMIC
DEVELOPMENT CAPITAL LLC,
WASHINGTON ECONOMIC DEVELOPMENT
CAPITAL II LLC, EVF INC., MOSES LAKE
96000 BUILDING LLC, SUN BASIN
ORCHARDS LLC, PIA LLC, JOHN CHEN, TOM
CHEN, BOBBY CHEN, and HEIDI CHEN,

RELIEF DEFENDANTS.

Case No. 2:17-cv-00405-JLR


STIPULATION AND PROPOSED ORDER

**WHEREAS THE PARTIES HAVE CONFERRED AND HAVE AGREED
TO STIPULATE THAT:**

1. The Securities and Exchange Commission (“SEC”) amends its Complaint under Federal Rule of Civil Procedure 15(a)(2), with the consent of the Defendants Andy Shin (*sic*) [Chin] Fong Chen and Aero Space Port International Group, Inc. (together “Defendants”), to withdraw that portion of its First Claim for

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2 Relief under Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and
3 Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5] that relates to Rule 10b-5(a) and (c), while
4 preserving that portion of its First Claim for Relief under Section 10(b) of the Securities
5 Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. §
6 240.10b-5] that relates to Rule 10b-5(b).

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8 2. The SEC amends its Complaint under Federal Rule of Civil Procedure
9 15(a)(2), with the consent of the Defendants, to withdraw its Second Claim for Relief
10 under Section 17(a)(1) of the Securities Act of 1933 [15 U.S.C. §77q(a)(2)].

11 3. The SEC amends its Complaint under Federal Rule of Civil Procedure
12 15(a)(2), with the consent of the Defendants, to withdraw its Fourth Claim for Relief
13 under Section 17(a)(3) of the Securities Act of 1933 [15 U.S.C. §77q(a)(2)].

14 4. Pursuant to the Court's ruling on summary judgment dismissing PIA LLC as
15 a relief defendant, the SEC removes that entity from the case.

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17 5. Pursuant to Local Civil Rule 15, the proposed Amended Complaint
18 indicating how it differs from the SEC's original complaint (ECF No. 1) is attached hereto
19 as Exhibit 1. Please note that the caption and other parts of the original complaint that
20 referred to Mr. Andy Chen as Andy Shin Fong Chen have been corrected to reflect the
21 correct spelling of his name, Andy Chin Fong Chen. The parties have also agreed that
22 because the Amended Complaint differs from the first only to remove certain claims and
23 one relief defendant, in addition to correcting a spelling mistake, an amended answer will
24 not be necessary.
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Dated: March 6, 2019

By: s/ David Mendel

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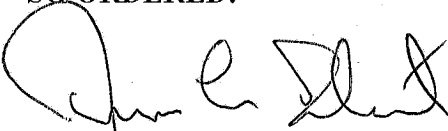
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Attorney for Defendants and Relief Defendants

SO ORDERED:



James

Judge Jason L. Robart

United States District Judge, Western District of Washington

CERTIFICATE OF SERVICE

I certify that on March 6, 2019, a copy of the foregoing document was served upon all counsel of record via the Court's electronic filing system, which sends notification to the following parties:

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s/ David Mendel
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